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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062.366	01/31/2002	Michael Wayne Brown	AUS920010654US1	2914
45440	7590	09/11/2006		
IBM CORPORATION (SS) C/O STREETS & STEELE 13831 NORTHWEST FREEWAY, SUITE 355 HOUSTON, TX 77040			EXAMINER APPLE, KIRSTEN SACHWITZ	
			ART UNIT	PAPER NUMBER
			3693	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/062,366	Applicant(s) BROWN ET AL.	
	Examiner Kirsten S. Apple	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/31/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/31/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This action is in response to the application filed on 01/31/2002.

Priority

No claim for priority has been made in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Zingher (US Patent 5,731,575).

Re claim 1, 21 & 40: Zingher discloses:

A method, program product and system detecting unauthorized use of an account (see Zingher, abstract), comprising:

Receiving a first request from a vendor to authorize (see Zingher, Figure 7, Item 50, it is inherent that the vendor in this case the ATM requested a pin before “access number entered”)

Sending a second request for authorization to an account holder (see Zingher, Figure 7, Item 50)

Receiving a first electronic response from account holder providing a PIN (normal or distressed) (see Zingher, Figure 7, Item 55 or 65)

Initiating remedial action if duress PIN is received (see Zingher, Figure 7, Item 70)

Re claim 2, 22 & 41: Zingher discloses:

Request approval of account transaction (see Zingher, Figure 7, Item 50)

Receiving a second response indicating approval from account holder (see Zingher, Figure 7, Item 55)

Re claim 3, 23 & 42: Zingher discloses:

First request contains information selected from:

Account number, (see Zingher, Figure 1, item 20 – it is inherent that an ATM accepts a card to read the account number)

(The below item may also be describe in the prior art however, only one reference is sufficient to reject the claim.)

An amount to be charged against the account,

An amount to be debited from the account,

A vendor code

Re claim 4, 24 & 43: Zingher discloses:

Retrieving information from validation database, selected from

An account holder record (see Zingher, Figure 1, item 20 – it is inherent that an ATM accepts a card to read the account number)

(The below item may also be describe in the prior art however, only one reference is sufficient to reject the claim.)

A vendor record

Re claim 5 & 25: Zingher discloses:

Account holder record contains information selected from

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The account number, (see Zingher, Figure 1, item 20 – it is inherent that an ATM accepts a card to read the account number)

(The below item may also be describe in the prior art however, only one reference is sufficient to reject the claim.)

A contact address,

A duress personal information number

A normal personal identification number

Account holder preferences

Billing address

Re claim 6 & 26: Zingher discloses:

Vendor record contains information selected from

Vendor code

(see Zingher, Figure 1– it is inherent that every ATM has it's own unique vendor code based on the owner of the ATM and the location)

(The below item may also be describe in the prior art however, only one reference is sufficient to reject the claim.)

Vendor address

Vendor preferences,

Business type

Re claim 7 & 27: Zingher discloses:

Account is selected from

Transaction card account, (see Zingher, Figure 1, item 20)

(The below item may also be describe in the prior art however, only one reference is sufficient to reject the claim.)

Personal account

Business account

Re claim 8 & 28: Zingher discloses:

Account transaction is selected from

Debiting an account for good, services or cash (see Zingher, Figure 1, item 20 – it is inherent that an ATM accepts credit and debit cards and dispenses cash)

(The below item may also be describe in the prior art however, only one reference is sufficient to reject the claim.)

Charging an account for good service or cash

Re claim 9 & 29: Zingher discloses:

Account transaction occurs at a point selected from:

Point of distribution, (see Zingher, Figure 1, – it is inherent that an ATM location is a point of distribution)

(The below item may also be describe in the prior art however, only one reference is sufficient to reject the claim.)

Point of sale,

The internet

A telephone

Re claim 10, 30 & 44: Zingher discloses:

Comparing first response PIN with at least two stored PINs (see Zingher, Figure 5, item 55)

Confirming the first response PIN matches one of at least two stored PINs (see Zingher, Figure 5, item 55)

Determining whether PIN is normal or duress PIN (see Zingher, Figure 5, as indicated from the arrows from item 55)

Re claim 11 & 31: Zingher discloses:

If First response normal

Authorize transaction (see Zingher, Figure 5, item 60)

Re claim 12 & 32: Zingher discloses:

If First response normal

Check if suspected unauthorized used (see Zingher, Figure 5, item 60 – it is inherent that “procedure as usual” would include the “usual checks”)

Receive third response indicated whether refusal is due to suspected unauthorized use (see Zingher, Figure 5, item 60 – it is inherent that “procedure as usual” would include the “usual checks”)

Re claim 13 & 33: Zingher discloses:

Unauthorized use is selected from fraud, stolen, transaction card (see Zingher, Figure 5, item 60 – it is inherent that “procedure as usual” would include the “usual checks”)

Re claim 14 & 34: Zingher discloses:

Send instruction if refusal is due to unauthorized use (see Zingher, Figure 5, item 60 – it is inherent that “procedure as usual” would include the “usual checks”)

Re claim 15 & 35: Zingher discloses:

Third electronic response indicates unauthorized use

Retrieve vendor preferences

Notify authorities as listed in vendor preferences

(see Zingher, Figure 5, item 70 + 60 – it is inherent that “procedure as usual” would include the “usual checks”)

Re claim 16, 36 & 45: Zingher discloses:

If duress PIN triggered, remedial action comprises; retrieving account holder preferences, Notifying authorities, Sending instructions to vendor (see Zingher, Figure 5, item 70)

Re claim 17, 37 & 46: Zingher discloses:

Contact account holder comprises: retrieving address, contact address, requesting account holder to provide PIN (see Zingher, Figure 5, item 70)

Re claim 18, 38 & 46: Zingher discloses:

Inform account holder of pending transaction, information account holder of location and amount (see Zingher, Figure 5, item 70)

Re claim 19 & 39: Zingher discloses:

Contact address is selected from telephone, mobile, pager, internet, email, intranet (see Zingher, Figure 5, item 70)

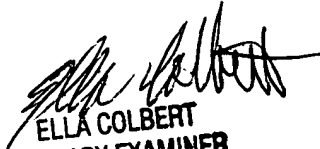
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa


ELLA COLBERT
PRIMARY EXAMINER